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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

In re

Kenneth Calvin McBee

Debtor,

Case No. 10-71694

Chapter 13

RS No. MRG-216

**MOTION FOR RELIEF FROM
AUTOMATIC STAY**

Hearing:

Date: January 9, 2015

Time: 10:00 a.m.

Place Courtroom 215
1300 Clay Street
Oakland, CA 94612

**TO THE HONORABLE CHARLES NOVACK, UNITED STATES BANKRUPTCY COURT
JUDGE, THE DEBTOR, THE DEBTOR'S COUNSEL, THE TRUSTEE, AND OTHER
INTERESTED PARTIES:**

Harley-Davidson Credit Corp ("Movant") hereby moves this Court for an Order granting relief from the automatic stay under 11 U.S.C. §362 as to the Debtor and Debtor's bankruptcy estate in the above-captioned matter so that Movant may enforce its remedies to obtain possession of the property in accordance with applicable non-bankruptcy law on the personal property commonly described as 2005 HARLEY-DAVIDSON FLTRI ROAD GLIDE, vehicle identification number: 1HD1FSW375Y634574 (the "Property").

1 Movant hereby moves this Court for an Order granting relief from the automatic stay, including
2 the Co-Debtor Stay of 11 U.S.C. § 1301, on the following grounds:

3 1. **Pursuant to 11 U.S.C. § 362(d)(1), Movant's interest is not adequately protected as Debtor**
4 **has failed to make post-petition payments:** The evidence establishes that Debtor has failed to make
5 post-petition payments to Movant and the loan has matured. Therefore, Movant's interest in the Property
6 is not adequately protected.

7 2. **Pursuant to 11 U.S.C. § 1301, Codebtor stay:** Robert F. Colbert is a Codebtor because he is
8 liable under the Agreement.

9 Movant submits the attached Declaration and Memorandum of Point & Authorities, as well as
10 other evidence attached hereto in support of its Motion.

11 **WHEREFORE**, Movant prays that this Court issues an Order as follows:

12 1. An Order Granting Relief from the Automatic Stay to allow Movant, its successors, transferees,
13 and assigns, to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession
14 of the Property.

15 2. The Order be binding and effective despite any conversion of this bankruptcy case to a case under
16 any other chapter of Title 11 of the United States Code.

17 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) is waived.

18 4. Any further relief as the Court deems just and proper.

19 Dated: December 8, 2014

Respectfully Submitted,

Buckley Madole, P.C.

20 By: /s/ Michael R. Gonzales
21 MICHAEL R. GONZALES
22 Attorney for Movant
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